

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL  
DISTRICT,

OAH Case No. 2015110595

FOLSOM CORDOVA UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015090251

ORDER GRANTING REQUEST FOR  
CONTINUANCE

On April 12, 2016, Folsom Cordova Unified School District filed a request to continue this matter one day with the Office of Administrative Hearings due to its counsel experiencing a medical emergency. The due process hearing was scheduled to reconvene for the seventh day of hearing this morning at 9:00 a.m. Folsom Cordova filed its motion to continue after hours and notified OAH of its request by leaving a voice mail on OAH's after-hours settlement line. Folsom Cordova notified Student's counsel of the emergency and the request for continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

After reviewing all of the relevant facts, good cause is found to continue the due process hearing for one day. Hearing shall resume tomorrow, April 13, 2016, at 9:00 a.m. The parties shall immediately notify all scheduled witnesses of the continuance.

IT IS SO ORDERED.

DATE: April 12, 2016

DocuSigned by:

*B. Andrea Miles*

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B. ANDREA MILES  
Administrative Law Judge  
Office of Administrative Hearings